

REMARKS

In this amendment, claims 1, 5, 7, 8, 20, 22, 28, 32, 44, 46, 47, 49 and 57 have been amended. No claims have been canceled. Hence, claims 1, 5-8, 10, 12-20, 22-26, 28, 30-32 and 44-85 are pending in the application.

Claims 1, 5 – 8, 10, 12 – 19, 28, 30 – 32, 44 – 56 are rejected under 35 U.S.C. 102(e) as being inherently anticipated by U.S. Pat No. 6,476,834, herein Doval.

Claims 20, 22 – 26, and 57 – 85 are rejected under 35 U.S.C 103(a) as being unpatentable over Doval in view of U.S. Patent 6,226,739.

Claims 1 and 28

Claims 1 and 28, as amended, require:

displaying a graphic representing a set of one or more computer functions on a portion of a touch-sensitive screen, wherein the touch-sensitive screen is coupled to at least one processor to detect and interpret contact with the screen;

detecting an object making a second sequence of one or more contacts to form a second drawing on the portion of the screen;

in response to detecting the object making the second sequence of one or more contacts to form the second drawing:

matching the second sequence to a second action in a set of actions related to said one or more computer functions, and performing the second action;

wherein the visual appearance of the graphic is the same when the first sequence of contacts is commenced and when the second sequence of contacts is commenced.

Claims 1 and 28 recite a novel approach for triggering actions related to the "one or more functions" represented by a graphic in a graphical system. "In response to detecting the object making ... [a] sequence of one or more contacts to form ... [a] drawing", an action related to the one or more computer functions is performed. Thus, each such action is triggered by making on a screen a sequence of contacts that form a drawing. Such a feature is not disclosed or suggested in any way by the cited art.

While the cited art discloses triggering actions using a graphical system, the approach for triggering actions dramatically differs from the claimed approach. Specifically, Doval teaches a system for creating selectable graphical controls on the fly. The graphical controls, which are referred to as selectable items, include buttons, dials, sliders, menus, and gauges. (col. 2, lines 27 – 29). A selectable item consists of a shape and text, both of which are input on a touch screen by the user using a pen or stylus. The shapes that form the selected items are associated with actions by a table. (col. 6, lines 54 – 66, FIG. 4)

A **fundamental principle** of operation in Doval is that after drawing a selectable item, it must be selected to invoke the action associated with the item's shape. The principle is repeated through out Doval. (col. 4, lines 21 – 34, col. 5, lines 49 – 67)

Using a writing surface, ... users draw... selectable items such as buttons with text inside.... **The user then selects the drawn selectable item to initiate a function.** (Abstract, emphasis added)

With this invention a user can draw, on the fly, an image or symbol on a position sensing surface and **when that image or symbol is selected, a function assigned to the image is performed by the computer system.** (Summary of Invention, emphasis added)

In the present invention, the user uses a selection device ... to draw 274 a selectable item 161 **If the user selects 280 the selectable item 161** by, for example, pressing the pen 272 somewhere near the selectable item, the user initiates the function, process, application, or program 300. For example, if the user draws "Joe," encloses the text with a circle, and **then selects it**, the system 192 or 100 may then initiate a phone call to Joe. (col. 4, lines 7 – 17)

To use the virtual button, the user can draw a circle or other shape in which he writes a text string such as "Address". The system recognizes the word "Address," and any other

associated symbol or bounding shape, using handwriting recognition software 300 ... The user **then selects the virtual button** by touching it with a pen.... (col. 4, lines 24 – 30, emphasis added)

In step 310, the user draws 274 a selectable item 161In step 320, **the user selects 280 the selectable item 161** for example by touching the selectable item 161 with the drawing tool, e.g. pen 272, for a certain amount of time....In step 330, the system 192 or 100 detects the selection of selectable item 161 and also the location 287 (e.g. x, y coordinates) of the center of the selectable item. (col. 5, lines 44 – 58, emphasis added) In step 370, the system associates the selection 280 with a particular action such as shutting down the system 192 or other example actions discussed. (col. 6, lines 38 – 40)

The table also contains identifiers 530 of actions (**that must be performed as a result of a user selecting the selectable item**)... (col. 6, lines 63 – 65, emphasis added)

Doval's approach differs fundamentally from that of claims 1 and 28. While in Doval a user controlled object makes contact with a screen to form the shape of a selectable item, only subsequent selection of the selectable item triggers the action associated with the item's shape by the table. Claims 1 and 28, on the other hand, require triggering an action in response to detecting a sequence of contacts that form the drawing.

The Office Action alleges that Doval teaches "an action can be triggered by drawing itself." Presumably the Office Action is referring to one of the actions associated with the shape by the table. Applicant has studied Doval and has not found any teaching of such an action that can be triggered by the act of drawing itself.

To support this allegation, the Office Action cites portions of Doval without explicitly specifying any action that correlates to an action that can be triggered by drawing itself. In an Office Action "the particular part relied on must be designated as nearly as practicable ... The pertinence of each reference, if not apparent, must be clearly explained ..." (37 C.F.R. § 1.104; MPEP 707). The pertinence of the cited excerpts is not apparent and is not explained at all. Instead, a large portion of the reference is simply identified in a non-specific way. The failure to specify an action that correlates to one that

can be triggered by drawing itself is tantamount to admitting that Doval does not in describe what the Office Action alleges it to describe.

Based on the foregoing, claims 1 and 28 fail to suggest much less disclose all the limitations of claims 1 and 28. Therefore, claims 1 and 28 are patentable.

Pending Claims

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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Dated: December 3, 2004

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on December 3, 2004

by


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